



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

GEO Group, Inc.

FIFRA Pesticide Use Offsite Compliance Monitoring

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Products Inspected: GS Neutral Disinfectant Cleaner (EPA Reg. No. 1839-169-5741)
Sani-T-10 Plus (EPA Reg. No. 10324-117-5741)

OfCM Date: November 24, 2020

Report Drafted: March 24, 2020
Report Finalized: June 8, 2021

Inspector: Nicholas Hurwit

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Information Request Letter & Notice of Inspection Sent to GEO Group Prior to Interview

On November 6, 2020, EPA sent George Zoley, CEO of GEO Group Inc. (Geo Group), a Notice of Inspection (NOI and Information Request Letter (IRL). The IRL requested several pieces of information from GEO Group prior to EPA Region 10's (EPA) offsite compliance monitoring of the facility, including, labels of all disinfectants and other pesticides used at the Northwest ICE Processing Center (NWIPC), mixing and dilution records, PPE provided to detainees. The NOI requested an interview with representatives of NWIPC on November 19, 2020. On November 20, 2020, Wilson Eaton (Outside Counsel for GEO Group) provided GEO Group's response to the IRL along with the documents requested. Due to the amount of time allowed for GEO Group to provide the requested documentation, EPA and GEO Group agreed to schedule the interview for November 24, 2020.

After meeting virtually with GEO Group, I was informed that a Notice of Inspection was not required for our conversation, as it is considered an "Offsite Compliance Monitoring" activity. A formal inspection requires inspectors to be physically on-site at the facility.

Virtual Pesticide Use Offsite Compliance Monitoring of GEO Group at NWIPC

On November 24, 2020 at 9:30 AM PST, Andrew Futerman (EPA Attorney), Chad Schulze, Martin Lovato and Nick Hurwit (EPA inspectors) met with Bruce Scott (Assistant Facility Administrator for NWIPC), Wilson Eaton (Outside Counsel for GEO Group), and Cheryl Wilke (GEO Group General Counsel). Also attending the meeting in a listening capacity were Neil Lanning (WSDA Compliance Manager) and Daleena Blair (WSDA Inspector). Due to extenuating circumstances concerning COVID-19 and for the safety of all parties involved, EPA decided to meet with GEO Group and attorneys in a virtual setting using Microsoft Teams.

Prior to the meeting on November 24th, EPA issued a Notice of Inspection (NOI) to GEO Group for Mr. Scott's signature, acknowledging that EPA was conducting a for-cause investigation due to complaints received from detainees at the facility (see Attachment 14). Mr. Scott and Mr. Eaton confirmed they would sign and return the NOI that day, which they did. Before the interview began, Mr. Schulze and I showed our EPA inspector credentials, as did Mr. Lanning. Mr. Lovato was an inspector in-training at the time and Ms. Blair could not connect by video, and thus both were unable to provide inspector credentials to the group. As attorney for EPA, Mr. Futerman was present in a legal capacity and does not possess inspector credentials.

After discussing the NOI and credentials, I began the interview by explaining to GEO Group that EPA had received complaints of detainees at NWIPC being exposed to pesticides, and more specifically, disinfectants, that have been used at the facility. I explained that EPA was not alleging anything at the time and the purpose of the investigation was to better understand how pesticides were being used within NWIPC and how detainees were being protected from potential exposures to those pesticides. Mr. Schulze elaborated that the term "pesticide use" includes mixing, storage, application, and disposal of a particular pesticide. Mr. Schulze explained that it is unlawful for anyone to use a pesticide in a manner inconsistent with its label and EPA needs to assess whether the pesticides at NWIPC are being used lawfully.

I provided a general outline of the topics to be covered during the interview, including pesticide use patterns, personal protective equipment (PPE) and how staff at NWIPC respond to reports of pesticide exposure and resulting illness. I thanked GEO Group for providing the requested documentation prior to the interview and explained there would likely be overlap between the documentation requested and questions asked during the interview.

In discussing the specific pesticides being used at NWIPC, Mr. Scott confirmed two disinfectants are used on-site: Sani-T-10 Plus (EPA Reg. No. 10324-117-5741) and GS Neutral Disinfectant Cleaner (EPA Reg. No. 1839-169-5741). See Attachment 15b for both product labels. Both products are produced by Spartan Chemicals. Mr. Scott explained that both products have been used at NWIPC for over a year. Mr. Scott also stated that once the COVID-19 pandemic began, GEO Group instituted a formal and rigorous cleaning and disinfecting regiment within NWIPC.

Following some internet connection issues, Mr. Scott rejoined the call by connecting via phone. Upon request, he then discussed the process by which GEO Group receives pesticides at NWIPC. Mr. Scott stated they order Sani-T-10 Plus and GS Neutral Disinfectant Cleaner through an authorized vendor (Walter E. Nelson) who delivers the products to a small warehouse at NWIPC, where they are inventoried and initially stored. Whenever more disinfectant is needed in a particular housing unit, call "pods," an order is put-in for a 1-gallon container that is delivered and locked into the automatic dispensing stations, which are provided and serviced by Spartan Chemical. Mr. Scott stated in addition to the disinfectant within the dispensing station, a spare 1-gallon container is kept in the same area, within a locked cabinet that is inaccessible to the detainees. Mr. Scott mentioned this is the process for maintaining the supply of GS Neutral Disinfectant Cleaner, but not Sani-T-10 Plus. Sani-T-10 Plus is reportedly only kept in the food service department station and is pumped from a 5-gallon bucket through a dispensing station, again provided by Spartan Chemical. Sani-T-10 Plus is not stored within the housing units. GS Neutral is reportedly stored within janitor closets within each housing unit. Mr. Scott explained that GEO Group staff put the disinfectants in their respective dispensing stations, not detainees.

When asked if GEO Group keeps pesticide labels with or on each pesticide container, Mr. Scott explained that labeling remains on the 1-gallon or 5-gallon containers at all times. He also stated that when the disinfectants are diluted and dispensed into ready-to-use spray bottles, the "end use" label remains on those spray bottles. Mr. Scott stated the dispensers used for both disinfectants are preset by Spartan Chemical and that GEO Group staff are not able to change the dilution rate for any dispenser. When asked about the dilution rates set by Spartan Chemical, Mr. Scott stated 2% for GS Neutral Disinfectant Cleaner and between 150 – 400ppm for Sani-T-10 Plus as a food contact sanitizer. Mr. Eaton also referred to the documentation provided by GEO Group prior to the interview, as the dilution rates should be available there.

I then asked Mr. Scott to describe who is applying the disinfectants at NWIPC and for what purpose. Mr. Scott reported the products are primarily used for general purpose cleaning and disinfection. He stated that detainees can participate in a voluntary work program through which some detainees clean and disinfect floors, tables, bathrooms, and other surfaces within their living areas. Mr. Scott stated that Sani-T-10 Plus is applied to food contact surfaces, including dining tables approximately 30 minutes before each meal and then again after each meal. Mr. Scott also stated the GEO Group staff sometimes apply GS Neutral Disinfectant Cleaner to desks and workstations. When asked about the proximity of the detainees' living quarters relative to

where disinfectants are being applied within the common dining areas, Mr. Scott did not provide a precise distance and stated the housing units are “a decent size.”

Mr. Schulze then asked for clarification as to how detainees could access a complete label for either disinfectant. Mr. Scott described how each housing unit is under the direct supervision of an officer, through whom detainees can request and access labels and Safety Data Sheets (SDS).

I asked about the types of training provided to detainees as described in the Voluntary Work Agreements (Attachment 14). Mr. Scott reported that detainees review and sign the agreements and their direct supervision officer is responsible for giving detainees instructions on how to use a given product properly. While a formal training program was not mentioned by GEO Group, Mr. Scott did state that there is always an officer available to ensure disinfectants are applied properly. When asked about the availability of pesticide labels in languages other than Spanish, Mr. Scott stated that some of GEO Group’s staff are bilingual and can assist detainees. He also mentioned that SDSs are available in English and Spanish but did not confirm that any pesticide labels are available in Spanish or other languages.

Mr. Schulze and I asked about any mitigating measures taken or risk communication provided to detainees to prevent exposure to disinfectants being applied. Mr. Scott again deferred to the expertise of his guards in communicating potential hazards and ensuring that detainees apply disinfectants properly.

In discussing personal protective equipment (PPE) available to detainees, Mr. Scott stated that 1 set of goggles is available in each respective pod’s janitor closet, but that detainees rarely use goggles when making applications of GS Neutral Disinfectant Cleaner or Sani-T-10 Plus. Mr. Scott reported that detainees are encouraged to wear surgical masks during application and often wear nitrile gloves. When asked about protocols for cleaning previously worn goggles, Mr. Scott stated that detainees are free to clean the goggles themselves, but he did not mention any specific procedure that GEO Group has in-place for cleaning the goggles. Mr. Scott also reported that nitrile gloves are provided to detainees on a regular basis. When asked about cleaning procedures for detainees’ clothing worn during disinfectant applications, Mr. Scott stated detainees have two sets of clothes and can have their clothes laundered, if needed. Mr. Scott stated detainees must ask an officer for their clothes to be laundered.

When asked about how the disinfectants are applied, Mr. Scott confirmed the spray bottles used for application are held 6-8 inches from the surface being disinfected. In addition, Mr. Scott reported that staff and detainees are instructed to let most surfaces remain wet for 10 minutes prior to wiping up the applied solution. When asked about where the two different disinfectants are applied, respectively, Mr. Scott again reported that Sani-T-10 Plus is applied to food contact surfaces, while GS Neutral Disinfectant Cleaner is used for “general purpose disinfection” on floors, tables, bathrooms and door handles, among other surfaces. He also mentioned GS Neutral applied to floors using a mop and is left to dry on its own. Mr. Scott reported the application spray bottles are reusable but are disposed of if no longer working properly.

I then asked if GEO Group had received reports of pesticide-related illness in the previous six months. Mr. Scott reported he was not aware of any detainees that had suffered from exposure to

any disinfectants applied within the facility. He stated that two or three detainees had complained of sore throats and/or headaches but did not believe those complaints were related to pesticide exposures. He also reported that no detainees at the facility had sought external medical help for any type of chemical exposure. Mr. Scott did report that detainees had complained at times about different “chemicals” being used at the facility but stated at the time of these complaints the cleaning and disinfecting procedures had not changed. Mr. Scott stated that members of the Public Health Service (PHS) are on-site at all times to address medical issues and can also seek outside medical care for emergencies, if needed.

After discussing with the group, all GEO Group representatives left the call for approximately 10 minutes while EPA staff discussed internally any remaining questions to have answered. When GEO Group and attorneys returned to the call, I asked if GEO Group had encountered any detainee complaints of a staff member at NWIPC applying one of the disinfectants purposefully and directly onto detainees. I explained EPA had received reports of this happening and requested additional information. Mr. Scott stated he was not aware of anything like this happening at the facility and asked for the name of the officer.

Closing Conference

In closing, I stated the process for putting together a report capturing the conversation. I discussed the possibility of EPA having further questions and potentially reaching out in the future. Before concluding, Mr. Futerman reminded Mr. Eaton and Mr. Scott that EPA still would like a map or partial map of the facility for purposes of informing this investigation. Mr. Eaton stated they would need approval from ICE and will work to fulfill EPA’s request.

Post-Interview

On January 14, 2021, EPA received additional requested files from Geo Group. These files provided the layout of several living areas for detainees housed at NWIPC. Geo Group identified these files as CBI and EPA has stored them according to the FIFRA CBI Security Manual.

Compliance Concerns

Based on the information collected during this investigation, EPA is concerned GEO Group is not ensuring detainees’ clothes are washed and cleaned after applications. The Precautionary Statements on the ready-to-use labels for both Sani-T-10 Plus and GS Neutral Disinfectant Cleaner state “Remove and wash contaminated clothing before reuse.” When speaking with Mr. Scott of GEO Group, he stated that for detainees to have their clothing washed following an application, they would have to request it through staff. Interviews with current and former NWIPC detainees indicate that detainees may not be comfortable making frequent requests to NWIPC staff due to fear of retaliation or mistreatment. Given that Sani-T-10 Plus is reportedly applied to dining tables and other food contact surfaces multiple times (at least six times for dining tables) each day, EPA is concerned that applicators’ contaminated clothes are not being

washed, nor are applicators being provided clean clothing, prior to each subsequent application of Sani-T-10 Plus, as required by the label.

EPA is also concerned that Sani-T-10 Plus and GS Neutral Disinfectant Cleaner are being applied in a manner that is causing detainees to be exposed to the disinfectants. The Directions for Use section of the Sani-T-10 Plus label states, "Do not breathe spray." Similarly, the Directions for Use section of the GS Neutral Disinfectant Cleaner label states, "Do not breathe the spray mist." Multiple detainees at NWIPC have complained of sore throats and headaches in connection with applications of these pesticide products, indicating detainees may be inhaling the products being applied due to their proximity within the living areas.

EPA is also concerned about reports of NWIPC staff spraying disinfectants in a way that contacts detainees directly. Detainees interviewed by EPA reported they experienced eye irritation and pain following an alleged exposure to disinfectants being applied by staff at NWIPC on or around September 15, 2020. While EPA has not been able to verify the intent or actions of this particular application, EPA is concerned that staff at NWIPC may be applying disinfectants in ways that expose detainees to the pesticide products which results in pesticide-related illness.